

**MINUTES**  
**UTAH**  
**PHYSICIANS LICENSING BOARD**

**December 12, 2007**

**Room 474 – 4<sup>th</sup> Floor –8:30 A.M.**  
**Heber Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED:** 8:41 a.m.

**ADJOURNED:** 11:56 a.m.

**Bureau Manager:**

Diana Baker  
Noel Taxin

**Secretary:**

Shirlene Kimball  
Karen McCall

**Division Director:**

F. David Stanley

**Conducting:**

George Pingree, MD

**Board Members Present:**

Lori Buhler, public member  
Kristen Ries, MD  
Richard Sperry, MD  
Marc Babitz, MD  
James Pingree, MD  
Stephen Lamb, MD  
John Bennion, public member  
Elizabeth Howell, MD  
Marc Babitz, MD

**Board Members Excused:**

Michael Giovanniello, MD  
James Fowler, MD

**Guests:**

Garett Williams, U of U Family Practice resident  
Frank Ferguson, family – Dr. David Morris  
Kacey Morris, family – Dr. David Morris  
Lucille Stoddard, with Dr. David Morris  
Michael Crookston, MD – with Dr. David Morris  
Elizabeth Bowman, attorney for Dr. David Morris

**Division Staff:**

Karl Perry, Assistant AG  
Steve Davis, Chief Investigator – 10:45 a.m.  
Jared Memmott, Investigator - 11:15 a.m.

## **TOPICS FOR DISCUSSION**

### **ADMINISTRATIVE BUSINESS:**

November 14, 2007 Minutes

Agenda Review by Diana Baker:

Introduction of Noel Taxin, Bureau Manager  
and Karen McCall, Board Secretary:

Divided into groups at 9:00 a.m.

Group 1  
Minute Taker: Diana Baker:

Layfe Anthony, MD  
Probation Interview:

## **DECISIONS AND RECOMMENDATIONS**

The minutes were approved with corrections. All Board members in favor.

Ms. Baker presented a brief overview of the probationers who will be meeting with the Board today.

Mr. Stanley reported Ms. Baker will be retiring within the next two or three months. Mr. Stanley indicated the Division felt this would be a good time to reassign professions and restructure the Bureaus within the Division. Ms. Taxin and her staff have been assigned to the Physicians Board and the transition will take place February 4, 2008. Mr. Stanley introduced Ms. Taxin, Bureau Manager, and Ms. McCall, Board Secretary. Ms. Taxin stated she is looking forward to working with the Physicians Board. She provided the Board with a brief review of her background. Ms. Baker expressed her high regard for Ms. Taxin and feels Ms. Taxin will be a great asset to the Board.

Board members present: Dr. Ries, Dr. Babitz, Ms. Buhler and Dr. Sperry. Division staff present: Ms. Baker and Ms. Taxin.

Dr. Anthony met with the Board. He stated that he has not opened his new practice site yet and is continuing to work only at the jail. He turned in his controlled substance log and triplicate copies of prescriptions as well as many hours of CME that he has done since 2005. He discussed the letter that was sent to him by the Division explaining the requirements he had to complete before he could get off probation. He is concerned that if he receives a restricted license for obstetrics and gynecology that he will not be able to become board certified again in family practice. Since he has not done the mini-residency in OB/GYN as stated in his Order, the Division feels he cannot have an unencumbered license when his probation is complete. He would have to extend his probation to complete the mini residency or receive the restriction

to OB/GYN on his license. **Dr. Anthony is currently in compliance with the terms and condition of his Order.**

Philip Washburn, MD  
Probation Interview:

Dr. Washburn did not show for his scheduled appointment. **Dr. Washburn is out of compliance with the terms and conditions of his Order.**

Group 2,  
Secretary: Shirlene Kimball

Members present: Dr. Pingree, Dr. Bennion, Dr. Lamb, Dr. Howell and Dr. James Pingree. Division staff: Ms. Kimball and Ms. McCall.

Michael Goates, MD  
Probation Interview:

Dr. Pingree conducted the interview. Dr. Pingree questioned Dr. Goates regarding the urine screen with the low level of ETG. Dr. Goates stated since the level was so low, it was incidental and may have been in some food he ate. Dr. Goates stated he is not drinking alcohol. Dr. Goates stated he attends his support group meetings and submitted the attendance cards. He indicated his current stressor is moving into a new home. He indicated he works at the State Hospital 30 hours per week, and he works about 20 hours per week in his private practice, which includes about 100 patients. He stated he is limited to accepting private pay patients because he has been taken off most insurance panels. Dr. Goates submitted the supervisory reports. Dr. Goates' next meeting will be in three months. **He is in compliance with the terms and conditions of his Order.**

Danny Purser, MD  
Probation Interview:

Dr. Bennion conducted the interview. Dr. Purser stated he currently sees four or five patients in his preventative medicine practice. He indicated he also volunteers at the Volunteer Care Clinic of Utah County. He submitted the supervisor reports from Dr. Michael Jensen and Dr. Moreno Robins. Dr. Purser submitted copies of MRI test results and indicated he was diagnosed with pituitary infarction. He indicated he was placed on hormones and insulin which has resulted in less fatigue and a vast improvement in his health. He stated his plans are to very slowly build his practice in preventative medicine. Dr. Lamb commented on the improvement from Dr. Purser's first meeting and this meeting. **Dr. Purser is current on all reports and is in compliance with the terms and conditions of his Order.**

Terrell Sellers, MD:

Dr. Lamb conducted the interview. Dr. Howell indicated she would recuse herself from any voting regarding Dr. Sellers. Dr. Sellers stated his last relapse was December 29, 2006. He stated he has been clean since that date. He indicated he runs the Wednesday night aftercare group for A&D Psychotherapy. He stated he doesn't include this meeting on his quarterly attendance reports. A letter from the aftercare counselor indicated Dr. Sellers could be discharged from aftercare. Dr. Sellers stated he would still attend aftercare and it does not matter if he is discharged or not. Dr. Lamb indicated he could request the Order be amended to terminate the aftercare requirement. Dr. Sellers requested the amendment. He stated he continues to work as the Medical Director at a medical spa. He stated he is attending courses for laser treatment, completed course work in Lipo-dissolve, Botox fillers and massage. He stated each of these courses was approximately 8 hours long and he has completed about 40 hours of training. He stated he works 25 hours per week. Board members asked him to describe his duties as the medial director. He stated he oversees the use of the laser; he administers Lipo-dissolve; performs Sclerotherapy and sees the client for consultation. He indicated he would also do the Botox injections, but has not done any Botox injections yet. Dr. Lamb indicated his Order requires Dr. Sellers to complete an intensive outpatient program within 6 months from the date the Order was signed. Dr. Sellers indicated he has not completed the outpatient program and can not find one that will accept him. He stated he does not meet the criteria for acceptance into an outpatient program because he relapsed when he took three pills (that were not prescribed to him) a year ago, was clean for a period of time prior to that relapse, and has been clean for one year since that time. Dr. Sellers stated the only program indicating they may accept him is First Step House. He stated if this program does accept him, his insurance would not cover the cost of the program. He stated he is continuing to search for a program that will accept him and one the insurance will cover. Dr. Lamb informed Dr. Sellers he should have completed the outpatient program several months ago and is **out**

**of compliance with the Order.** Board members indicated Dr. Sellers needs to complete a program within the next two months. Dr. Sellers questioned what would happen if he can not get into a program? Dr. Lamb stated he would need to provide the Board with letters from all programs he has contacted indicating they would not accept him and the reasons why they would not accept him. Dr. Sellers will be scheduled to meet with the Board in three months.

Reconvened to Full Board at 10:13 a.m.

Report from Committees:

Dr. Anthony submitted his CME. Dr. Bennion questioned Dr. Anthony's knowledge base and wondered if Dr. Anthony would agree to return to CPEP, or take the SPEX. He also felt that it may be helpful if Dr. Anthony would submit charts for review again to see if there is any improvement. The Stipulation reads that Dr. Anthony shall complete a mini residency in OB/GYN. He has stated he does not intend to practice OB/GYN and Committee members discussed with him the possibility of issuing a restricted license. He indicated he would like to become Board certified and if he has a restricted license, he may not qualify for Board Certification. Dr. Babitz stated he would check with the certification body to see if a restriction would prevent him from becoming Board certified. Board members indicated they would consider accepting a passing score on the SPEX exam, or a review of charts as indication of increased knowledge base, but he would need to agree with the more restrictive requirement. Dr. Anthony is currently in compliance with his Order; however, if he has not completed the mini-residency by August, his probation can not be terminated unless he was issued a restricted license. Dr. Bennion stated he feels the best way to demonstrate competency at this point is by providing the Board with charts and having Dr. Babitz review the charts to determine if they are adequate. The other areas of deficiency are addressed by CME.

Dr. Washburn did not appear for his interview and will be rescheduled next month.

Dr. Sellers stated he has been clean since December

2006. His aftercare therapist recommend Dr. Sellers be released from the requirement to attend aftercare. Dr. Lamb made a Motion to deny the request to release Dr. Sellers from attendance at aftercare because he still needs to complete an intensive outpatient program. Dr. Ries seconded the Motion. Dr. Howell abstained. All other Board members in favor.

Darrell Anderson, MD  
Dr. Mausberg, supervising physician – by  
telephone:

Dr. Lamb conducted the interview and requested Dr. Anderson explain why he was placed on probation. Dr. Anderson stated he was initially placed on probation because of boundary issues. He stated his prescribing practice then came into question. Ms. Baker reported she spoke with Dr. Mausberg yesterday and discussed Dr. Anderson's supervision. Dr. Mausberg expressed a willingness to provide supervision for Dr. Anderson, but has not seen a copy of the Order for several years.

Dr. Anderson stated he met with Dr. Mausberg. Dr. Mausberg reviewed charts and discussed with him some of the issues. He also expressed his concerns regarding Dr. Anderson's prescribing practices. Dr. Anderson reported Dr. Mausberg reviewed eleven or twelve charts, 100% of new female patients and 10% of patients receiving controlled substance prescriptions.

Dr. Mausberg was contacted by telephone. Dr. Mausberg stated he has agreed to supervise Dr. Anderson. Board members questioned Dr. Mausberg regarding his understanding of his duties and responsibilities as the supervisor. Dr. Mausberg indicated he would provide supervision, review 100% of all new female patient charts and review 10% of charts with controlled substance prescriptions. He stated he understands he will need to submit quarterly reports. Dr. Lamb stated Dr. Anderson should provide a list of patients receiving controlled substance prescriptions to Dr. Mausberg and let Dr. Mausberg randomly select those charts. Dr. Lamb questioned Dr. Mausberg whether or not he knows why Dr. Anderson's Order required a review of all new female patient charts. Dr. Mausberg stated he understands the necessity because of the boundary issues. Dr. Lamb

indicated the other area of concern from the Board is the prescribing of high doses of stimulants. Dr. Mausberg stated he spoke with Dr. Anderson regarding this issue and has expressed to Dr. Anderson his concerns regarding the prescribing parameters. Dr. Mausberg stated that after Dr. Anderson outlined his prescribing protocol, he decided Dr. Anderson may have some merit but will monitor these prescribing practices closely. Dr. Lamb requested Dr. Mausberg include comments regarding the prescribing practice when submitting his quarterly reports. Board members thanked Dr. Mausberg for being available for the interview.

Dr. Lamb questioned Dr. Anderson on the medications prescribed to him by a nurse practitioner. Dr. Anderson stated he has been seeing the nurse practitioner for about five years and takes medications because of a herniated disk that was complicated with a staff infection that was in his spinal canal that resulted in a crushed spinal cord eventually causing constant burning pain. Dr. Anderson stated he is trying to taper off these medications and anticipates being off them in the next month or two. He submitted his consent forms and triplicate prescription copies. **Dr. Anderson remains out of compliance with his Order.** He will be seen in three months.

Break 11:05, reconvened 11:10

David Morris, MD  
Elizabeth Bowman, Attorney  
Kacey Morris, wife  
Dr. Michael Crookston  
Frank Ferguson, family member  
Lucille Stoddard, family member

Dr. Morris and his attorney Elizabeth Bowman met with the Board. Karl Perry, the Division's assistant attorney general was also present. Mr. Stanley conducted this portion of the meeting and indicated Dr. Morris was placed on the agenda to discuss his concerns regarding the lack of diabetic education in the medical community. Mr. Stanley stated he has had several meetings with Dr. Morris regarding this and other issues. Mr. Stanley indicated the meeting today is to discuss the diabetic issue and not to address his reinstatement request. Ms. Baker had informed Ms. Bowman on or about December 10, 2007 that Dr. Morris would be given 30 minutes to present his information. Mr. Stanley explained Dr. Morris was issued a restricted license to be used in a residency program in New York; however, his controlled substance license was not returned. Dr. Morris was

not able to continue in the New York residency program and has been meeting with the Division to discuss the issue of an unrestricted license and the diabetic education concerns. Mr. Stanley indicated Dr. Morris has requested Ms. Baker be recused. Mr. Stanley stated since this is not a hearing, Ms. Baker would be present for this discussion. Ms. Bowman stated there was a miscommunication and Dr. Morris wanted to meet with the Board this month to request full licensure. A review of the web indicated he had been placed on the agenda which was posted less than 24 hours as required by law. Ms. Bowman stated Dr. Morris wants the Board to consider the events that have occurred since his hearing. He entered the residency program and was terminated from the program because of a felony conviction that was later overturned. The Division has not received any paperwork regarding the conviction being overturned. Mr. Stanley stated he understood Dr. Morris wanted to provide education regarding diabetes.

Mr. Stanley stated he is comfortable with discussing the diabetic issue, he has assisted Dr. Morris in all his meetings; however, this meeting is not a hearing. Mr. Stanley indicated that in his meetings with Dr. Morris, Dr. Morris expressed concern regarding a number of physicians who were not practicing as they should. A Division investigator contacted these physicians and Steve Davis, chief investigator, was present to report on those contacts.

Ms. Bowman requested Dr. Crookston be allowed to speak so he will not have to come back to offer his input. Mr. Stanley indicated Dr. Crookston was present at the last meeting with the Division and Dr. Morris and had made his statements to the Division at that time. Ms. Bowman stated the Board has not heard Dr. Crookston's comments. Mr. Stanley again stated Dr. Morris has 30 minutes to give his presentation on the diabetic issue. Dr. Morris stated he was not prepared to discuss the diabetic issue because he thought he would be on the January agenda. Mr. Stanley stated if Dr. Morris is not prepared to address his concerns with the Board, the meeting was over. Ms. Bowman stated they asked to be placed on the agenda to discuss the request for full reinstatement of



his license. Mr. Perry stated the Board is not here to litigate issues that were already litigated during the Hearing. Ms. Bowman requested Dr. Morris and his request for full licensure be placed on the agenda at the earliest possible convenience. Dr. Bennion stated the presentation regarding the diabetic concerns should be addressed at a different meeting than the request for full licensure. Dr. Lamb questioned Dr. Morris if the information to be presented is additional new information or if it is the same information that was presented at the Hearing. Dr. Morris stated he wants to educate the Board and is concerned that physicians do not understand diabetes. Dr. Babitz stated the Board may have an unrelated Hearing in January and Dr. Morris may not be able to give his presentation that day. Dr. Howell reviewed the documentation hand-out and questioned Dr. Crookston regarding section "x" on page three. This section was a comment that once Dr. Morris was accurately diagnosed and treated, all of his psychiatric symptoms were resolved. Dr. Crookston responded that Dr. Morris was engaged in illegal activities, but after he was properly diagnosed and treated, he became his "old self" again and improvement was noted. Dr. Morris claims he does not remember the activities and the Board is holding him responsible for what happened when he was ill. Mr. Perry stated this is not the issue since it was litigated at the original Hearing. Ms. Bowman stated Dr. Morris is making a formal request for full reinstatement of his license. She stated Dr. Morris has completed the requirements issued after the Hearing; he has passed the SPEX examination, he was given a restricted license to enter a residency program, but due to an error, he was taken out of the residency, and now has come to the Board to request reinstatement of full licensure without restrictions. She stated the issue needs to be redressed. Dr. Morris is not currently practicing medicine. Ms. Bowman requested at least three days notice if they will be invited to meet with the Board.

Discussion: Board members indicated it appears that Dr. Morris is trying to get a new hearing by coming before the Board to request full licensure. Mr. Stanley stated he has had multiple meetings with Dr. Morris and has tried to be fair to him. Mr. Perry

indicated that the felony reduction to a misdemeanor ran through its normal time period. His problem is the fact he does not qualify for Medicare or Medicaid because of the felony, even if it was reduced to a misdemeanor. He is going to need to apply to Medicare/Medicaid to get off the exclusion list. Mr. Stanley stated Dr. Morris has accused the medical community of malfeasants to which Mr. Davis was given the names and those individuals were fully investigated. Mr. Davis received the records of those individuals and it was found by a physician reviewer that Dr. Morris received excellent care, and the charge of gross mistreatment was not found. Dr. Morris would like to see added to the CME requirements that all physicians receive education in the proper treatment of the diabetic patient. Dr. Babitz stated there would be a number of groups to come and ask to be added to the CE requirement and the Board would have to increase the number of CME hours required to include all the requests. Mr. Stanley stated he is only asking the board to listen to the diabetic information. Dr. Howell stated it appears this is an attempt to bring in other issues, other requests. He has confused the issue by bringing in his attorney and family. Dr. Ries stated that if the felony issue had not come up, he would be in the residency and the Division has complied with the advice from the Board.

Applications approved by the Division:

Ryan McCool, MD  
Shingo Chihara, MD  
Jinsoo Keyoung, MD  
James Gardiner, MD  
Gabriela Vargas, MD  
Diane Gordon, MD  
Mary Landau-Levine, MD  
Sarah Blair, MD  
Frank Archer, MD  
Angela Keyser De La O, MD  
William Hinz, MD  
John Bell, MD  
Virgil Davis, MD  
Yian Jones, MD  
Nancy Williams, MD  
Martin Springer, MD  
Robert Greally, MD  
Christy Chan, MD

Melissa Bentley, MD  
Adam Bergeson, MD  
Carolee Cutler, MD  
Erick Naar, MD  
Hugh Selznick, MD  
Christopher Sjostrom, MD  
Eloise Skelton, MD  
Debra Davey, MD  
Jeremy Biggs, MD  
Carlos Mercado, MD  
Randall Bass, MD  
David Glembocki, MD  
Mary Jo Drew, MD  
Sean Haskett, MD  
Anne Kuo, MD  
Gilbert Wong, MD  
Caroline Teman, MD  
Adam Frederick, MD  
Michael Johnson, MD  
Poru Somasundaram, MD  
Richard Patten, MD  
Brock Niceler, MD  
Cindy Matsen, MD  
Patrick Green, MD  
Susan Martini, MD  
Lisa Giles, MD  
Tyler Williams, MD  
Benjamin Curtis, MD  
Michelle Curtis, MD  
Christie Julian, MD  
Shanna Case, MD  
Brian Fulks, MD  
Travis Mickelson, MD  
Marcus Buchanan, MD  
Barbara Jones, MD

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

January 9, 2008  
Date Approved

(ss) George Pingree, MD  
George Pingree, MD Physicians Licensing Board Chair

January 9, 2008  
Date Approved

(ss) Diana Baker  
Diana Baker, Bureau Manager, Division of Occupational &  
Professional Licensing